

## SENATE BILL No. 498

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-13-3-2.

**Synopsis:** Representation by attorney general. Requires the attorney general to represent: (1) a regional or local planning or coordinating council required by a law or a federal program administered by the division of family and children; and (2) any member, officer, employee, or volunteer of the council that is accused of an offense or sued for civil damages because of an act performed within the council's or individual's course of responsibilities or under the authority or order of a superior officer or the division. Makes related changes.

**Effective:** July 1, 1999.

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January 19, 1999, read first time and referred to Committee on Judiciary.

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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## SENATE BILL No. 498

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 12-13-3-2 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) If:

3 (1) a member of the division;

4 (2) an officer ~~or~~ of the division;

5 (3) an employee of the division; or

6 (4) a member, an officer, an employee, or a volunteer of a  
7 regional or local planning or coordinating council that is  
8 authorized or required by an Indiana law, a law of the United  
9 States, or a federal program administered by the division,  
10 regardless of the name by which it is denominated;

11 is accused of an offense or sued for civil damages because of an act  
12 performed within the course of the individual's employment **or**  
13 **volunteer responsibilities** or because of an act performed under the  
14 authority or order of a superior officer **or the division**, the attorney  
15 general shall defend the individual in an action for civil damages. If the  
16 action or proceeding is criminal in nature, the governor shall designate  
17 counsel to represent and defend the accused and the state is financially



1 responsible for the expense of the defense.

2 (b) If a regional or local planning or coordinating council that  
3 is authorized or required by an Indiana law, a law of the United  
4 States, or a federal program administered by the division,  
5 regardless of the name by which it is denominated, is accused of an  
6 offense or sued for civil damages because of an act performed  
7 within the course of carrying out the council's responsibilities or  
8 because of an act performed under the authority or order of a  
9 superior officer or the division, the attorney general shall defend  
10 the individual in an action for civil damages. If the action or  
11 proceeding is criminal in nature, the governor shall designate  
12 counsel to represent and defend the accused, and the state is  
13 financially responsible for the expense of the defense.

14 (b) (c) This section does not do either of the following:

15 (1) Deprive an individual of the right to select defense counsel of  
16 the individual's choice at the individual's expense.

17 (2) Relieve a person from responsibility for civil damages.

18 SECTION 2. [EFFECTIVE JULY 1, 1999] IC 12-13-3-2, as  
19 amended by this act, applies to legal proceedings pending on July  
20 1, 1999, and to proceedings initiated after June 30, 1999.

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